

REMARKS

Applicant herewith responds to the Office Action mailed 10/18/2007.

Applicant thanks the Examiners Shay and Marmor for their courtesy during the interview conducted on March 4, 2008, and Examiner Shay for the courtesy of a brief second interview on March 6, 2008, during which the Office Action and cited references were discussed and agreement was reached as to all independent claims. The following comments summarize the substance of the presentation and discussion during the interviews.

In the Final Rejection mailed October 18, 2007, the Examiner objected that the claims referred only to “dermatologic treatment”. Each of the independent claims was reviewed during the interview on March 6, and the Examiner agreed that the recitation of hair removal was sufficient in each. During the interview on March 4, the Examiner pointed out that the claims could be clarified by reciting eye safety during treatment. This clarification was presented during the interview on March 6, and agreement was reached on the language presented herewith.

The Examiner also objected to certain aspects of the previously submitted Rule 132 declarations of Dr. Gary C. Bjorklund and Professor Joseph Goodman. During the interview, these objections were discussed, and the attached Supplemental Rule 132 Declaration of Dr. Gary C. Bjorklund was presented and discussed. It is believed that Dr. Bjorklund’s supplemental declaration adequately responds to the Examiner’s objections, and that no further discussion is needed here except to point out that the aspects of the Slatkine reference raised by the Examiner were, in fact, carefully considered in preparing the prior declarations, and were dealt with properly by the prior declarations.

The Examiner also objected to the Declarations of Dr.’s Wheeland and Kilmer submitted with the prior response, where those physicians are users of such devices, rather than designers. Attached hereto is the Rule 132 Declaration of Dr. John F. Black, a designer of such devices. As noted by Dr. Black in paragraph 4 of his declaration, he was extremely surprised to learn that the present applicants had

invented a device that met the Class I standard while still being effective for hair removal, and that such an invention would not be obvious to him despite many years in the field. Dr. Black also points out, in paragraph 3 of his declaration, that he, too, has reviewed the Slatkine '633 reference relied upon by the Examiner, and found that it does not teach even one eye safe device that would be effective for hair removal. Again, as used in applicant's claims, "eye safe" means a device which complies with the Class I limits of both the previously cited IEC 60825-1 standard and the standard set forth in 21 C.F.R. 1040.10.

During the interviews, the enablement of the present invention was discussed, and the Examiner acknowledged that applicant had properly disclosed and enabled the diffuser, light source, and related structure called for by the claims.

As such, it is believed that each of the pending claims is in condition for allowance, and early notification to that effect is earnestly solicited. In the event that any issue remains which the Examiner believes could be facilitated by a telephone call, he is invited to telephone the undersigned at 650-326-4350, or on his cell phone at 650-269-5025. The cell phone is preferred, to minimize phone tag.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Eakin", with a stylized flourish at the end.

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